

WITNESS: KATHERINE CABAI

Date: March 14, 2017

**ACE v. COUMMUNITY DISTRICT 502, at. al.
1:15 CV 07290**

DEBBIE TYRRELL, C.S.R.



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AMERICAN CENTER FOR)	
EXCELLENCE IN SURGICAL)	
ASSISTING, INC.,)	
)	
Plaintiff,)	Case No.
)	1:15-CV-07290
-vs-)	
)	
COMMUNITY COLLEGE DISTRICT,)	
502, et al.,)	
)	
Defendants.)	

The deposition of KATHERINE CABAI called by the Plaintiff for examination, pursuant to notice and pursuant to the Rules of Civil Procedure for the United State District Courts pertaining to the taking of depositions for the purpose of discovery, taken before DEBBIE TYRRELL, a Certified Shorthand Reporter and a Notary Public within and for the County of DuPage and State of Illinois, at 2777 Finley Road, Suite 12, Downers Grove, Illinois, on March 14, 2017, at the hour of 9:30 a.m.

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2
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18 on behalf of the defendants.

19 * * * * *

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1 (Witness sworn.)

2 KATHERINE CABAI,
3 a witness herein, having been first duly sworn, was
4 examined and testified as follows:

5 EXAMINATION

6 BY MR. DAVIS:

7 Q Could you please state your name for the
8 record?

9 A Katherine A. Cabai.

10 Q Katherine, where do you live? What is
11 your address?

12 A 43W467 Cornwall Drive, St. Charles,
13 Illinois.

14 Q Are you married?

15 A Yes.

16 Q Do you have kids?

17 A Yes.

18 Q How many?

19 A Two.

20 Q Have you ever had your deposition taken
21 before?

22 A Yes.

23 Q When?

24 A It's been several years ago. At least

1 **ten.**

2 Q At least ten times?

3 **A At least ten years ago.**

4 Q How many times have you had your
5 deposition taken?

6 **A I recall two.**

7 Q Have you discussed this deposition with
8 an attorney?

9 **A Yes.**

10 Q So if you had your deposition before,
11 there is several things you probably know. One is
12 that if I ask you a question and you don't
13 understand the question, please ask me to clarify
14 the question or else your attorney will. All
15 right?

16 **A Yes.**

17 Q And you have to answer the questions
18 audibly. So you can't grunt, grown, shake your
19 head, or anything like that because the court
20 reporter can't take that down. Okay?

21 **A Yes.**

22 Q Is there any reason why you can't proceed
23 with this deposition today?

24 **A No.**

1 Q Are you under any medication that may
2 interfere with your ability to testify?

3 A **No.**

4 Q Could you please describe to me your
5 educational background?

6 A **I have a Master's Degree in Education.**

7 Q Where did you get that from?

8 A **Northern Illinois University.**

9 Q Okay.

10 A **I have an Associate's Degree in Nursing.**

11 Q Where did you get that from?

12 A **Kishwaukee Community College.**

13 **I have a Master's Degree in Nursing.**
14 **Walden University.**

15 Q Where is Walden?

16 A **It is an online institution. It has**
17 **satellite offices in Minnesota and Baltimore.**

18 **I have a Doctorate in Education from**
19 **Walden University.**

20 **I have a certificate in Surgical**
21 **Technology from College of DuPage.**

22 **I have a certificate in Anesthesia**
23 **Technology from College of DuPage.**

24 Q Do you have a Bachelor's Degree? I got

1 an Associate's, a Master's.

2 **A I have a Bachelor's Degree in Education**
3 **from NIU. I did kind of skip that. You are right.**

4 **Q I didn't think you could go from an**
5 **Associate's to Master's.**

6 **Could you give me your job history?**

7 **A I spent 25 years in healthcare working as**
8 **an Operating Room Nurse/Anesthesia Tech/Scrub Nurse**
9 **for 25 years. I then became a teacher at College**
10 **of DuPage where I have been now for 15 years.**

11 **Q When did you begin there?**

12 **A 15 years would be --**

13 **MR. ROCHE: 2002?**

14 **THE WITNESS: Correct. Actually, I began**
15 **in 2001 because I started the end of December.**

16 **I am still working part-time as a**
17 **Surgical Assistant. When I started working at**
18 **College of DuPage, I was still working part-time**
19 **weekends as an Operating Room Nurse and Scrub Tech**
20 **for Elmhurst Memorial Hospital.**

21 **Q Where do you work part-time as a Surgical**
22 **Assistant?**

23 **A Delnor Community/Cadence Health.**

24 **I also worked for Elmhurst Clinic for a**

1 general surgeon as a private scrub for three years.

2 Q When was that?

3 A 1989 to '91. I spent six years at Good
4 Samaritan Hospital, in Downers Grove, as the Ortho
5 Neuro Coordinator and then the day shift Charge
6 Nurse. And I spent three years at Elmhurst
7 Outpatient Surgery Center as Director of Nursing
8 when the building first opened and for the first
9 three years it was running.

10 I started my career at Little Kishwaukee
11 Hospital, in DeKalb, where I worked six years.

12 Q What year was that?

13 A '86. Graduated from Nursing in 1984.

14 Q Your Master's Degree or your Associate?

15 A Associate. I spent two years at Little
16 Geneva Hospital back when Geneva was still up
17 working Med Surg Floor, ICU and ER.

18 Q So at the beginning you indicated that
19 you spent 25 years as an OR Nurse, Anesthesia Tech
20 and a Scrub Nurse. Could you describe the
21 difference between those three?

22 A I worked for an all RN staff at
23 Kishwaukee Community Hospital for six years. We
24 had all nurses. No CST's. The profession was

1 **pretty young.**

2 Q What is a CST?

3 A **Certified Surgical Technologist. And**
4 **they are typically the individuals that actually**
5 **scrub on cases. Because we didn't have any, the**
6 **nurses scrubbed and circulated. We also did not**
7 **have an Anesthesia Tech. So in the afternoon two**
8 **of us Operating Room Nurses were cross trained to**
9 **also take care of the anesthesia machine,**
10 **anesthesia workroom, anesthesia supplies.**

11 Q You indicated that you worked as a
12 Surgical Assistant at Delnor. You indicated that
13 you currently work part-time as a Surgical
14 Assistant at Delnor?

15 A **Correct.**

16 Q And you also work part-time as an
17 Operating Room Nurse?

18 A **Not anymore.**

19 Q Not anymore. Okay. You have spent a lot
20 of time in the operating room, haven't you?

21 A **Yes, I have. 35 years now.**

22 Q My wife is actually an OR Nurse.

23 So, for instance, when you -- my sense is
24 that when you began your career, that there were

1 not bright lines between being one kind of a nurse
2 and another. You could do several different jobs,
3 correct?

4 Let me ask you specifically. So an
5 OR Nurse and Anesthesia Tech, do you have to have
6 separate training to be an Anesthesia Tech?

7 **A At that time you did not.**

8 Q And Scrub Nurse is a step below an
9 OR Nurse. So if you were an OR Nurse, you could be
10 a Scrub Nurse easily, correct, or is that not
11 correct?

12 **A I would not say that's correct.**

13 Q Is there special training to be a Scrub
14 Nurse?

15 **A Yes.**

16 Q You received all the training that you
17 need for each one of these positions?

18 **A Correct.**

19 Q When you received the training, did you
20 receive the training -- so you have been certified
21 as an Anesthesia Nurse, correct?

22 **A I have been as of two weeks ago.**

23 Q Okay. As an Anesthesia Tech?

24 **A Correct.**

1 Q Were you certified as an Anesthesia Tech
2 before? I'm sorry. Did you function as an
3 Anesthesia Tech before you were certified?

4 A **I functioned as an Anesthesia Tech and**
5 **the job description was not nearly like the job**
6 **description is of an Anesthesia Tech today. We**
7 **restocked carts and ordered supplies.**

8 Q What are the job responsibilities of an
9 Anesthesia Tech now?

10 A **Trouble shooting machines, assisting with**
11 **art lines, sanquine catheters, running blood gases,**
12 **that type of thing.**

13 Q So you know Thomas Cameron and Karen
14 Solt, correct?

15 A **Yes.**

16 Q And Karen Solt is the Associate Dean of
17 Health Sciences?

18 A **Was.**

19 Q She was. Right.

20 MR. ROCHE: We had that discussion
21 yesterday about present tense versus past tense.

22 BY MR. DAVIS:

23 Q And Thomas Cameron was the Dean?

24 A **Yes.**

1 Q Are you still employed by COD?

2 A Yes.

3 Q What is your position at COD?

4 A I am the Coordinator of the Surgical
5 Assisting Program and the Codirector of the
6 Anesthesia Technology Program.

7 Q I'm sorry. The Anesthesia -- what are
8 you for the Anesthesia Technology?

9 A Codirector.

10 Q What is the difference between a
11 Coordinator and a Director?

12 A Basically the same.

13 Q Is the job that you have at COD is it a
14 full-time job?

15 A Yes.

16 Q So you have all these other part-time
17 jobs in addition?

18 A I work occasionally two days a week at
19 Delnor or two days a month I mean. I apologize.

20 Q So in 2013 and 2014 Karen Solt was the
21 Associate Dean, correct?

22 A Yes.

23 Q And you reported to her for programs --

24 A Correct.

1 Q -- and your job responsibilities?

2 A Correct.

3 Q Tell me what your interaction was like
4 with Thomas Cameron as the Dean.

5 MR. ROCHE: I am going to object. Can
6 you be a little more specific? What do you mean by
7 interaction?

8 BU MR. DAVIS:

9 Q Was there any reporting responsibility to
10 Thomas Cameron or did you just go through Karen
11 Solt?

12 A Karen.

13 Q You have some exhibits in front of you so
14 we're going to -- these are exhibits that everybody
15 looked at. Everybody else had a chance so you will
16 get your chance.

17 Let's start by taking a look at Exhibit
18 B. This is an email dated November 21, 2013 from
19 Keith Bump to Karen Solt. Copy to Kathy Cabai. It
20 describes a meeting with you and Kathy -- to Karen
21 and Kathy yesterday to discuss how well our
22 programs would work together. Do you recall that
23 meeting?

24 (Deposition Exhibit B was identified.)

1 **A Briefly, yes.**

2 **Q Could you tell me what the discussion was**
3 **at that meeting?**

4 **A I believe Keith came in to talk to us**
5 **about possibly having a connection with he and his**
6 **group so that we could offer a Surgical Assisting**
7 **Program at College of DuPage.**

8 **Q How did you meet Keith Bump?**

9 **A I received a phone call from a young**
10 **lady, in Rockford, Illinois, that asked if I was**
11 **interested in beginning a Surgical Assisting**
12 **Program and I said yes. She made an appointment**
13 **with Keith and Kyle Black to come out and meet me.**

14 **Q Do you recall who that person from**
15 **Rockford was?**

16 **A I do not.**

17 **Q What was Kyle Black's position? What did**
18 **Kyle Black have to do with this particular meeting?**

19 **A I was told that Keith was in charge of**
20 **the business aspect of ACE Surgical Assisting and**
21 **Kyle got involved by freelancing these students out**
22 **once they became Surgical Assistants in the area.**

23 **Q So Kyle was like a job placement person?**

24 **A He had a company in Rockford that did**

1 that, yes. That is what they did. As far as his
2 connection with ACE, I am not quite sure what that
3 was.

4 Q Did Kyle talk about what he did in
5 relation to Surgical Assisting Programs at that
6 meeting?

7 A He talked about how he freelanced them
8 out once they got jobs and that he had many
9 hospitals that were looking for Surgical Assistants
10 to come in and do work. He did not get into the
11 nitty gritty of how ACE Surgical Assisting ran.

12 Q I am curious about what your
13 understanding was of the word freelance Surgical
14 Assistants? What was your understanding of that?

15 A A company that when a hospital calls and
16 says we need a Surgical Assistant today from eight
17 o'clock to five o'clock, they will send somebody
18 out to do the cases from eight o'clock to five
19 o'clock.

20 Q And was it your understanding that when
21 he freelanced these people that they worked for
22 him? That he would send them to the hospital, but
23 they would work for him?

24 A We did not get into that discussion of

1 **who did what.**

2 Q Was that your understanding of what he
3 did?

4 A **No. I actually thought he was connected**
5 **with ACE somehow or another. That the three of**
6 **them were running a Surgical Assisting and Surgical**
7 **Assisting Agency at the same time.**

8 Q I see. Okay. So this email describes a
9 meeting that you had with Keith Bump, which this
10 email followed. Was that meeting a result of the
11 phone call?

12 A **Yes.**

13 Q Where did you meet with them?

14 A **In my lab at College of DuPage.**

15 Q So they came to see you at the College of
16 DuPage?

17 A **Correct.**

18 Q Attached to this is the ACE Surgical
19 Assisting Consortium Proposal, do you see that?

20 A **Yes.**

21 Q This was the attachment that was part of
22 this email, correct?

23 A **Correct.**

24 Q Now, in this Consortium Proposal, I want

1 you to turn to Page 4 of the proposal. They talk
2 about 9 Online Modules. Do you see that?

3 **A Correct.**

4 Q Did you discuss what the online modules
5 were at the meeting that you had with them?

6 **A No.**

7 Q Was it important that they taught online
8 in terms of moving forward with this program?

9 **A I don't understand the question.**

10 Q Let me ask this. What was your
11 understanding of this part of the proposal, that
12 they had online modules?

13 **A At this particular meeting, not much. We**
14 **didn't really get into that.**

15 Q Okay. And what about the 6 Day Surgical
16 Skill Lab?

17 **A Did not get into that either.**

18 Q And then the next page is the Benefits to
19 the College. Did you talk about the Benefits to
20 the College at the meeting?

21 **A No.**

22 Q Did you talk about it after you received
23 this email with them?

24 **A Not really.**

1 Q You didn't talk about what the benefits
2 to the college of having ACE put this program
3 together was?

4 A No.

5 College of DuPage had been considering
6 putting an SA program together five years prior to
7 this.

8 Q I didn't ask you that question. I asked
9 you whether it was -- whether the benefits -- so
10 the answer to the question was your benefits to the
11 college was not important to you?

12 A No.

13 Q If you look at the last page, the
14 Surgical Assisting Certificate Program. It
15 describes the financial arrangement where \$6,900
16 would be charged and ACE's fee would be \$4,400. Do
17 you see that?

18 A Yes.

19 Q Did you discuss that?

20 MR. ROCHE: During the meeting?

21 MR. DAVIS: During the meeting prior --

22 MR. ROCHE: At COD?

23 MR. DAVIS: At COD.

24 THE WITNESS: It was pointed out to me.

1 BY MR. DAVIS:

2 Q Did you have any discussions immediately
3 after the meeting in regard to this financial
4 proposal?

5 A No.

6 Q Was the financial proposal an important
7 part of your considering moving forward with ACE in
8 the Surgical Assisting Program?

9 A No.

10 Q Let's look at what's been marked as
11 Exhibit C. This is from Karen Solt to Keith Bump.
12 This is copied to you and it is dated November 21,
13 2013. So there is three pages to this exhibit so
14 let's start with the first one. It says, "Kathy
15 and I met with the Dean this morning and he had
16 several questions". Do you see that?

17 (Deposition Exhibit C was identified.)

18 A Yes.

19 Q Do you recall what the questions the Dean
20 had was?

21 A No.

22 Q And then Karen Solt says, "Most of which
23 I think we answered". So do you recall the
24 questions of the Dean being answered?

1 **A No.**

2 Q Let's turn to the second page of that.
3 This is from Karen Solt to Keith Bump. This is
4 dated December 9th. So this email is -- I'm sorry.
5 Go back to the first page for a second. I need to
6 just establish some foundation for this.

7 It says, "He would like us to arrange a
8 Skype conference call with the three of us, plus
9 our academic VP". The "three of us" being Kathy,
10 Karen and Keith.

11 And then if you look at Page 2 of the
12 exhibit, this is from Karen Solt to Keith Bump. It
13 is dated December 9th. And it says, "I think our
14 discussion was a great one and we are at this point
15 ready to move forward on our part".

16 Do you recall the discussion that -- the
17 online -- the discussion that you had with Karen
18 and Keith in between the time that the first email
19 was sent and the time this follow-up email was
20 sent?

21 **A No.**

22 Q But you were there for the discussion,
23 correct?

24 **A I don't know that either.**

1 Q Just for the record, in Page 1, it
2 indicates that Karen Solt was going to arrange a
3 meeting, correct?

4 A **Correct.**

5 Q And the second email, it says, Karen
6 says, "I think our discussion was a great one".

7 A **I don't know what discussion she is**
8 **referring to.**

9 Q And then after that in the last line, it
10 says, "I am meeting with Kathy later this morning
11 so should have a better idea as to how long it will
12 take". Do you recall the meeting that you had with
13 Kathy later that morning?

14 A **With Karen?**

15 Q Yes.

16 A **You said Kathy.**

17 Q I'm sorry. It says, "I am meeting with
18 Kathy later this morning". So it is Karen saying
19 "I am meeting with Kathy later this morning". When
20 she says "so should have a better idea as to how
21 long it will take", do you understand what she was
22 saying in this email about how long it will take?

23 A **I am assuming she's talking about**
24 **Curriculum writing because of the sentence before**

1 **she mentions Curriculum through the college**
2 **process.**

3 Q But you don't recall meeting with her
4 that morning about moving forward with the SA
5 Program with ACE?

6 A **I don't recall the meeting.**

7 Q Well, this is going to be a short dep.
8 Let's move on to Exhibit D. So this an
9 email dated December 12, 2013 in which you are
10 copied and this is from Karen to Dan Bump and Keith
11 Bump. It says, "I'm writing to let you know of the
12 actions on our end relative to the classroom
13 management system issue". Do you know what the
14 classroom management issue was?

15 (Deposition Exhibit D was identified.)

16 A **They wanted to use a different classroom**
17 **management system than the one that we use at**
18 **College of DuPage.**

19 Q Was Blackboard in use at that time at the
20 College of DuPage?

21 A **Yes.**

22 Q After this meeting did Keith -- did ACE
23 take steps to implement a Blackboard system?

24 A **No.**

1 Q Let's look at the second page of this.
2 This is from Keith Bump to Karen Solt. It
3 indicates in the second paragraph, "I wanted to let
4 you know that we have setup a conference call with
5 Blackboard for Monday the 16th to find out what we
6 need to do on our end. We are willing to do what
7 it takes to make it work for you and your
8 students". Were you aware that ACE had taken steps
9 to implement the Blackboard system?

10 A **I believe I recall that they were going**
11 **to do some work on trying to figure out how they**
12 **could merge the two systems together.**

13 Q When you say merge the two systems
14 together, what was your understanding of how they
15 were going to merge the two systems together?

16 A **That I do not know. Most of those**
17 **conversations occurred without me. IT is not my**
18 **thing.**

19 Q Please take a look at Exhibit F. This is
20 from Kathy Cabai to Keith Bump dated February 17,
21 2014. In the third sentence, "I went to Division
22 Curriculum Committee last week Thursday. Was raked
23 over the coals, but that piece is complete". Could
24 you describe what it is that you did at the

1 Division Curriculum Committee?

2 (Deposition Exhibit F was identified.)

3 **A Presented the coursework to the Division**
4 **Committee to get it approved so that it could be**
5 **moved forward to the College-wide Curriculum**
6 **Committee meeting.**

7 Q How were you raked over the coals?

8 **A They were not happy about the amount of**
9 **hours, semester hours, that were attached to each**
10 **class and they were questioning whether or not**
11 **there had been approval with an outside**
12 **organization to co-teach this program.**

13 Q But the Division Curriculum Committee --
14 so did they approve it or pass it or whatever the
15 Division Curriculum Committee does?

16 **A Yes, it was moved forward to**
17 **College-wide.**

18 Q Despite their concerns that you're
19 expressing?

20 **A Correct.**

21 Q I am going to have you take a look at
22 Exhibit A. So apparently you're more familiar with
23 this than Karen Solt so I will ask you the
24 questions. Could you describe what this document

1 is?

2 (Deposition Exhibit F was identified.)

3 **A Form 20 for Illinois Committee College**
4 **Board.**

5 Q And is this specifically related to any
6 course?

7 **A This particular one is related to the**
8 **Surgical Assistant's Certificate.**

9 Q Did you put this Form 20 together?

10 **A Yes, I did.**

11 Q Is the Form 20 -- now along with the Form
12 20, you also have to submit a Needs Analysis and
13 course descriptions, correct?

14 **A Correct.**

15 Q Is the Form 20 attached to each one of
16 the course descriptions or are the course
17 descriptions attached to the Form 20?

18 **A Course descriptions are attached to the**
19 **Form 20.**

20 Q Where did you get the information for the
21 course descriptions?

22 **A Off the syllabi I had created.**

23 Q What information did you use to create
24 the syllabi?

1 **A The Surgical Technology Book and**
2 **knowledge in my head.**

3 Q Where did that knowledge come from in
4 your head?

5 **A Ten years of education and 35 years of**
6 **experience.**

7 Q Okay. Did you use any of the textbooks
8 that ACE gave you?

9 MR. ROCHE: In preparing the Form 20?
10 BY MR. DAVIS:

11 Q In preparing the Form 20.

12 **A No.**

13 Q Did you use textbooks that ACE gave you
14 after the Form 20 to come up with any other
15 information regarding the Surgical Assistance
16 Course?

17 **A Not really, no. As a matter of fact,**
18 **those books I am not even using them.**

19 Q I didn't ask if you were using them. I
20 asked if you used them at the time.

21 **A No.**

22 Q Back to Exhibit F. It says, "I will go
23 to College-wide Curriculum the first Friday in
24 March. It will pass there." When you went to

1 College-wide Curriculum, did it pass there?

2 **A Yes.**

3 Q After that then did you submit -- so
4 describe the process to me in terms of so does it
5 go to the Board after College-wide Curriculum?

6 **A No, it goes to DCC and then CCC.**

7 Q I'm sorry. What is DCC?

8 **A Division College Committee and then**
9 **College-wide Curriculum Committee and then it goes**
10 **to the Illinois Community College Board and then to**
11 **the Board.**

12 Q Okay. So when it went to College-wide
13 Curriculum, did it pass through that stage?

14 **A Yes, it did.**

15 Q In the seventh line, it indicates, it
16 says, "I need to get to a suture lab. Perhaps you
17 can give me some dates, times and sites". Why was
18 it necessary for you to get to a suture lab?

19 **A Because they had told me I had to attend**
20 **one before we could start the program.**

21 Q Did you have to attend one?

22 **A In my opinion, no. I knew how to suture.**

23 Q It further says, "I did send your brother
24 an email. I would like a copy of the book list. I

1 would like to purchase some books for light
2 reading". Do you see that?

3 **A I do.**

4 Q Did you purchase the books?

5 **A I purchased some books and some books**
6 **were given to me by Kyle.**

7 Q Did you read them?

8 **A No.**

9 Q Okay. Let's look at Exhibit F1. This an
10 email from you to Kyle Black. It indicates in the
11 first line, it says, "Can you folks call Karen
12 and/or Tom to discuss the final amount of money
13 that COD will be charged per student with me
14 teaching the suture lab". Do you see that?

15 **A Yes.**

16 Q Why were you concerned about discussing
17 the final amount of money that COD will be charged
18 with you teaching the suture lab?

19 **A Because we were trying to determine**
20 **whether or not this would even work with us because**
21 **of the cost.**

22 Q You knew the cost as a result of the
23 initial proposal that they sent you, correct?

24 **A Nothing had ever been finalized.**

1 Q That wasn't the question.

2 A **No, I did not know the cost.**

3 Q The question was you received the initial
4 proposal so you saw the cost, correct?

5 A **I did see their cost.**

6 Q Okay. In Number 6, you say, "I need any
7 potential budget items. We are currently working
8 on next year's budget and they are due quickly".
9 Do you see that?

10 A **Yes.**

11 Q At this time, February 27th, were you
12 planning your budget for next year for the SA
13 Program?

14 A **I was planning my budget next year for
15 all my programs.**

16 Q Was the SA Program one of the programs
17 that you were planning your budget for?

18 A **Yes.**

19 Q So you also indicate, "I informed her
20 that you were working on providing me with
21 textbooks". What was the importance of having the
22 textbooks in relation to the budget?

23 A **Nothing.**

24 Q Why did you mention that in the email?

1 **A Because the email is a list of updates**
2 **one through nine.**

3 Q Okay. Let's go to Exhibit G.

4 (Deposition Exhibit G was identified.)

5 MR. ROCHE: This a new one.

6 MR. DAVIS: This is a new one so I have
7 copies.

8 BY MR. DAVIS:

9 Q This is the email sent to you March 13th,
10 where it says, "Congratulations on enrolling in the
11 ACE Surgical Assisting Standalone Surgical Skill
12 Lab". And you were scheduled to attend on July
13 14th to 19th. Do you see that?

14 **A Yes.**

15 Q This was sent March 13th. Did you attend
16 the lab on July 14th to 19th?

17 **A Yes.**

18 Q It indicates, "Our objective is to help
19 you achieve advanced skills and knowledge as a
20 Surgical Assistant". Do you see that?

21 **A Yes.**

22 Q Had you ever taken a course -- had you
23 ever taken a lab as a Surgical Assistant prior to
24 this point in time?

1 **A Yes.**

2 Q It also says, "We have included the two-
3 year Mastery Access with your lab enrollment".
4 What was the two-year Mastery Access?

5 **A I don't know. I never got it.**

6 Q Okay. Let's go to Exhibit H. This is a
7 new one, too. This is from Kathy Cabai to Keith
8 Bump. This is an email indicating it is written on
9 March 17th. It discusses the COD program, the
10 credits for the program and ICC just kicked back
11 the first and second course asking for
12 justification. Do you see that?

13 (Deposition Exhibit H was identified.)

14 **A Yes.**

15 Q Is says, "I am reaching out to you folks
16 for help a little. Can we perhaps come up with a
17 statement stating that these hours are in reason
18 for the amount of time expected online". Do you
19 see that?

20 **A Yes.**

21 Q Did they subsequently provide a statement
22 in relation to the necessity for these hours?

23 **A No.**

24 Q So when you say "thoughts" at the bottom

1 and you sent this email, they didn't give you any
2 of their thoughts on this?

3 **A No.**

4 Q Okay. Were they assisting you in putting
5 the information that was submitted to ICCB
6 together?

7 **A No.**

8 Q This is Exhibit I. That is a new one.

9 (Deposition Exhibit I was identified.)

10 MR. ROCHE: Okay. Ms. Cabai, take your
11 time reading the email, the entire email, through.

12 BY MR. DAVIS:

13 Q Did you read it?

14 **A Yes.**

15 Q Okay. The email describes the classes
16 passed ICCB and we are ready to go. Where are you
17 going as you describe in this email?

18 MR. ROCHE: I am going to object to the
19 form of that question.

20 MR. DAVIS: She is the one that said "we
21 are ready to go".

22 MR. ROCHE: The question was where are
23 you going? I don't understand that question.

24 BY MR. DAVIS:

1 Q What does "we are ready to go" mean?

2 A **At this point we could move forward, if**
3 **we decided to offer the program.**

4 Q Okay. You indicate, "The certificate
5 will be presented in October but because we can
6 offer the first classes without it we are fine".
7 Was it possible at this particular point in time to
8 offer a certificate in October?

9 A **No.**

10 Q Why did you say it in this email?

11 A **I said that it would be presented in**
12 **October. Meaning the certificate would be going to**
13 **the DCC and CCC in October. Only the classes had**
14 **passed.**

15 Q The next line you indicate, "I even
16 received a budget so I am going to begin on
17 purchasing some instruments". So was the budget
18 that you received for the SA Program?

19 A **Correct.**

20 Q And what instruments were you going to
21 purchase?

22 A **Some laparoscopic instruments that could**
23 **be utilized for both the Surgical Technology and**
24 **Surgical Assisting Program both.**

1 Q You didn't have those instruments for the
2 Surgical Technology Program prior to this point in
3 time?

4 A **Only a few.**

5 Q But you had to have those instruments for
6 the Surgical Assisting Program?

7 A **I need them for both.**

8 Q But you needed them for the --

9 A **Yes.**

10 Q -- SA Program. Okay. I am going to show
11 you what has been marked as Exhibit J. Would you
12 please review that?

13 (Deposition Exhibit J was identified.)

14 Q Could you tell me what this meeting was?

15 A **This was an Advisory Committee meeting**
16 **for the Surgical Technology Program.**

17 Q And who attends this meeting?

18 A **Advisory Committee members.**

19 Q And what are the Advisory Committee
20 members made up of?

21 A **They are made up of clinical sites,**
22 **faculty, college transfer program folks, college**
23 **administrators, and a public representative.**
24 **Students and graduates and people working as**

1 **Surgical Technologists.**

2 Q On the first page, it says, "Members
3 present". So could you go through and tell me who
4 these members are and what their function is?

5 A Kathy Cabai at that time was Coordinator.

6 Q I know who you are.

7 A Oh. Ranzie Wilson is an adjunct -- at
8 that time was an adjunct faculty for the Surgical
9 Technology Program. Caroline Castro-Arvis was an
10 adjunct faculty for the Surgical Technology
11 Program. Sheila Moran was an adjunct faculty for
12 the Surgical Technology Program. Gianna Malloon
13 was an adjunct faculty for the Surgical Technology
14 Program. Candice Johnson was a Surgical Technology
15 adjunct teacher. Bonnie Kischer was the Manager of
16 the East Surgery and Endoscopy at Central DuPage
17 Hospital. Cory Lester is the Central DuPage
18 Hospital East Surgery educator. Sharon Dillon is
19 the clinical educator from Good Shepherd. Barb
20 Malec is the educator for Edward Hospital. Kathy
21 Finan is the College of DuPage A&P instructor.

22 Q And then in the next line it talks about
23 College of DuPage administrators/staff present?

24 A Correct.

1 Q Are those different people then above?

2 A No.

3 Q You were the facilitator for this
4 meeting, correct?

5 A Correct.

6 Q This is a copy of the minutes of the
7 meeting, correct?

8 A Correct.

9 Q So this meeting was held on March 20,
10 2014, correct?

11 A Yes.

12 Q How often did you have these Program
13 Advisory Committee meetings?

14 A College of DuPage mandates we have them
15 twice a year.

16 Q Do you have them more often than twice a
17 year?

18 A No.

19 Q If you look on the second page, there's a
20 paragraph relating to Surgical Assisting. It says,
21 "Written over Christmas break 2013". What was it
22 that was written over the Christmas break?

23 A Curriculum.

24 Q Was that what resulted in the Form 20

1 that was submitted?

2 **A That is what resulted in going to DCC.**

3 Q What was the Curriculum that was written?

4 Is that different than the Form 20?

5 **A It is in conjunction with the Form 20.**

6 Q Had you ever seen a Surgical Assisting
7 Curriculum before Christmas of 2013?

8 **A Yes.**

9 Q Where?

10 **A Blackhawk Community College, where I did**
11 **my RNFA.**

12 Q How did you see that?

13 **A I also went through ABSA.**

14 Q I am back on the first one.

15 MR. ROCHE: You didn't let the witness
16 finish her answer. She was continuing her answer.

17 BY MR. DAVIS:

18 Q Okay.

19 **A I hold three credentials in Surgical**
20 **Assisting. So two were back in the 1990's. So I**
21 **have seen Curriculum through Blackhawk Community**
22 **College and I went through an organization that had**
23 **ABSA come out and credential us also.**

24 Q Okay. Back to this exhibit, you

1 announced, "To begin Spring of 2015, one year
2 program, must complete 135 cases", right?

3 **A Correct.**

4 Q And you announced it was going to be in
5 junction with ACE Surgical Assisting, correct?

6 **A Correct.**

7 Q And that "Kyle Black will not only run
8 didactic portion of the class but will also assist
9 students finding jobs after they successfully
10 completed the course", correct?

11 **A Correct.**

12 Q Was that consistent with what your
13 understanding of what Kyle did was?

14 **A Actually, this was written before I had a**
15 **true understanding of how this was all going to**
16 **work. So this actually is inaccurate.**

17 Q At the time was it your understanding
18 what Kyle was going to do?

19 **A Yes.**

20 Q And you are announcing that the program
21 was going to be done in conjunction with ACE
22 Surgical Assisting, correct?

23 **A Correct.**

24 Q Let's go to Exhibit K. Have you ever

1 seen this before?

2 (Deposition Exhibit K was identified.)

3 **A Yes.**

4 Q If you will turn to Page 4, it describes
5 the College will pay to ACE the amount -- it is in
6 Paragraph B I am referring to. Let's just review
7 that for a second.

8 **A Okay.**

9 Q So the price that the College will pay to
10 ACE indicates that it was 3,680 for each new
11 student, correct?

12 **A Correct.**

13 Q So the original Consortium Proposal was
14 to be for \$4,100. Do you recall that?

15 MR. ROCHE: 41? Are you referring to
16 Exhibit --

17 MR. DAVIS: I am referring to Exhibit B.

18 MR. ROCHE: B?

19 MR. DAVIS: Yes. Why don't you take a
20 look at that.

21 MR. ROCHE: I thought it was 44.

22 THE WITNESS: 44 is what I am reading.

23 BY MR. DAVIS:

24 Q Okay. Was the lower price an indication

1 of the adjusted price for you teaching the suture
2 lab?

3 MR. ROCHE: Objection. If you know. I
4 mean this is just -- -

5 MR. DAVIS: If she doesn't know
6 something, I am sure she will tell me.

7 MR. ROCHE: I don't know if she ever
8 reviewed this contract.

9 MR. DAVIS: See said she had seen it.

10 THE WITNESS: I did see it. No, I don't
11 know why.

12 BY MR. DAVIS:

13 Q You don't know why the price is now 3,680
14 as opposed to 4,400?

15 A No.

16 Q So you don't recall any discussions that
17 you had in relation with ACE in regard to lowering
18 that price?

19 A I did not have those discussions.

20 Q Who would have had those discussions?

21 A V.P., the Dean, the Legal Department of
22 COD.

23 Q Would that have been part of your budget?

24 A The Board. No.

1 Q The cost for ACE would not have been part
2 of the budget that you submitted for the SA
3 Program?

4 A **No. Instructional materials, things such**
5 **as equipment, instruments.**

6 Q What about an operating budget? Wouldn't
7 the cost that you would have to pay to ACE be part
8 of an operating budget?

9 A **No.**

10 Q Where would the cost to ACE be reflected
11 in the SA Program money that was coming in and
12 going out?

13 A **I don't know where it was reflected.**

14 Q You were the one preparing the budget,
15 correct?

16 A **No, I did not prepare the budget.**

17 Q So who is it that prepares the budget?

18 A **The Associate Dean.**

19 Q Does the Associate Dean prepare the
20 budget in concert with you for each one of these
21 programs? Does she ask you for any consulting in
22 regard to what the budget is?

23 A **No.**

24 Q She just comes up with these numbers out

1 of her head?

2 MR. ROCHE: Objection. You are asking
3 the witness what -- argumentative.

4 MR. DAVIS: Do you know --

5 MR. ROCHE: Let me make my objection.

6 MR. DAVIS: I withdraw the question.

7 BY MR. DAVIS:

8 Q Where does the Associate Dean come up
9 with the numbers for the operating budget for the
10 SA Program?

11 MR. ROCHE: Objection. You're asking the
12 witness what the Associate Dean's state of mind is.

13 Go ahead and answer, if you know.

14 THE WITNESS: I have no idea.

15 BY MR. DAVIS:

16 Q Do you know where the Associate Dean
17 comes up with the budget numbers for the SA
18 Program?

19 **A I have no idea.**

20 MR. ROCHE: Same objection.

21 BY MR. DAVIS:

22 Q Let's look at Exhibit L. Have you ever
23 seen this before?

24 (Deposition Exhibit L was identified.)

1 **A Yes, I have.**

2 Q Do you know what a Non-Disclosure
3 Agreement is?

4 **A No, I do not.**

5 Q When you saw this, did you review it?

6 **A No.**

7 Q Let's go through it. Let's look at
8 Paragraph Number 2. So it says, "Whereas, ACE has
9 created curriculum and other materials for the
10 purpose of presenting the ACE Surgical Assistant
11 Program at the College, which contains certain
12 confidential and proprietary information". Do you
13 see that?

14 **A Yes.**

15 Q And did you ever have any discussions
16 about the information that ACE was preparing being
17 confidential and proprietary?

18 MR. ROCHE: With whom?

19 MR. DAVIS: With you.

20 MR. ROCHE: Conversations with whom?

21 BY MR. DAVIS:

22 Q Conversations between you and ACE.

23 **A No.**

24 Q Okay. Let's go to Exhibit M. This is a

1 new one so review it for a second and then I will
2 ask you some questions.

3 (Deposition Exhibit M was identified.)

4 **A Yes.**

5 Q So this email refers to the scanning of
6 the self-study?

7 **A Correct.**

8 Q Could you tell me what the scanning of
9 the self-study refers to?

10 **A Scanning of the self-study.**

11 Q What is the self-study?

12 **A Self-study is a mandatory document that**
13 **must be presented to CAAHEP when you go for CAAHEP**
14 **accreditation.**

15 Q So were they scanning a self-study in
16 relation to CAAHEP accreditation to you?

17 **A Yes.**

18 Q At the bottom it indicates that "all of
19 the additional help you can provide will make my
20 life easier". Do you see that?

21 **A Yes.**

22 Q Does this refer to the fact that the
23 self-study they would be scanning you would make
24 your life easier?

1 **A I thought it would.**

2 Q Let's look at Exhibit 9A. This is a new
3 one. For simplicity sake, I have not copied and
4 given the entire self-study because I wanted to
5 focus on a couple of pages. But isn't it true that
6 a self-study is actually a very large document that
7 has to be submitted to CAAHEP?

8 (Deposition Exhibit 9A was identified.)

9 MR. ROCHE: Objection vague. What do you
10 mean by large?

11 MR. DAVIS: You can answer the question.

12 MR. ROCHE: You can answer.

13 THE WITNESS: CAAHEP provides Program
14 Directors with a document that is approximately 15
15 to 20 pages long that has sections. Section 1-A,
16 1-B, 1-C, that is data material documentation that
17 must be presented in order to show CAAHEP that all
18 the bases have been covered for offering a CAAHEP
19 accredited program.

20 BY MR. DAVIS:

21 Q Is it larger than this?

22 **A Yes.**

23 Q Did they send you the entire self-study
24 report for the accreditation for CAAHEP for a

1 Surgical Assisting Program?

2 MR. ROCHE: Objection. Who is "they"?

3 BY MR. DAVIS:

4 Q ACE.

5 A I don't know. I never looked at it.

6 Q I didn't ask you whether you looked at
7 it.

8 A I don't know.

9 MR. ROCHE: The witness said she did not
10 know.

11 THE WITNESS: I don't know.

12 BY MR. DAVIS:

13 Q If you will turn to Page 2. So this is
14 the Commission on Accreditation Request for
15 Accreditation Services. Do you see that?

16 A Yes.

17 Q Then on Page 3, this was the Sponsoring
18 Institution Officials. It indicates it was Dan
19 Bump, correct?

20 A Yes.

21 Q So was this part of what it was that they
22 scanned you referring to the self-study that was
23 scanned to you?

24 A Don't know.

1 Q Okay. Let's go to Exhibit N. So this
2 was sent to Karen Solt and copied to you indicating
3 that ACE spoke to Blackboard and that the
4 Blackboard project was scheduled for mid-August.
5 Do you see that?

6 (Deposition Exhibit N was identified.)

7 **A Yes.**

8 Q Did you ever have any discussions with
9 ACE about the implementation of the Blackboard
10 program?

11 **A No.**

12 Q Let's look at Exhibit O. If you look on
13 Page 2, the bottom of the page, on June 2nd, this
14 is written to you from Keith Bump indicating to
15 confirm that you received the Consortium Agreement
16 from Dan. Do you see that?

17 (Deposition Exhibit O was identified.)

18 **A Yes.**

19 Q Then on July 8th they wrote to you
20 saying, "Any word on the Consortium Agreement", in
21 the first line. Do you see that?

22 **A Yes.**

23 Q In line 3, it says, "As you know we are
24 going to be sharing proprietary information in the

1 lab and should really have the written agreement in
2 place before we do that". Do you see that?

3 **A Yes.**

4 Q This an email indicating to you -- is
5 this an email indicating to you that the
6 information that you were going to receive in the
7 lab was proprietary information?

8 **A Yes.**

9 Q And does it refresh your recollection
10 about receiving the consortium contract?

11 **A Yes.**

12 Q Did you ever have any discussions with
13 anyone at COD about not having the Consortium
14 Agreement signed after this email?

15 **A I do not recall.**

16 Q If you look on Page 1, on July 8th, it
17 says, "I did talk to Tom and he is not comfortable
18 signing anything without having legal approval nor
19 with Karen out-of-town". Does that refresh your
20 recollection about having any conversations in
21 regard to the Consortium Agreement?

22 **A Yes.**

23 Q So who is Tom?

24 **A Cameron.**

1 Q So that would be the Dean. Was Tom
2 Cameron the one who was going to sign the
3 Consortium Agreement?

4 **A No.**

5 Q It says, "I did talk to Tom and he is not
6 comfortable signing anything without having legal
7 approve". Was Tom Cameron the one that was
8 supposed to sign the Consortium Agreement?

9 **A No.**

10 Q But you indicate here he is not
11 comfortable signing anything without having legal
12 approve it. Are you saying there that Tom Cameron
13 was the one that was supposed to sign it?

14 **A No.**

15 Q Was it another Tom that was supposed to
16 sign it?

17 **A No, he just wasn't signing anything**
18 **without legal. Legal is the one that signs stuff.**

19 Q Without having legal approve?

20 **A Without having legal read it and Karen**
21 **being out-of-town.**

22 Q Tell me if you know but was legal's
23 responsibility to approve it and then Tom would
24 sign it? Tom Cameron would sign it?

1 **A No.**

2 Q So who was supposed to sign the
3 Consortium Agreement?

4 **A Legal.**

5 Q Okay. Let's look at Exhibit P. Never
6 mind. Forget P. It is a duplication. I wouldn't
7 want to waste anybody's time.

8 Does anybody need to take a break right
9 now?

10 MR. ROCHE: I can use one.

11 (Whereupon, a short recess in
12 the deposition.)

13 BY MR. DAVIS:

14 Q This is Exhibit T. This is a new one.
15 (Deposition Exhibit T was identified.)

16 **A Okay.**

17 Q So this an email from Keith to you. I
18 wanted to talk about two things. So, first of all,
19 it indicates that, "We are targeted to get started
20 on the Blackboard integration this week". Do you
21 see that?

22 **A Yes.**

23 Q Did you have any discussions with them
24 about the Blackboard integration at this time?

1 **A No.**

2 Q Did you have any discussions with them
3 when you went to the lab about Blackboard
4 integration?

5 **A No.**

6 Q In previous emails, they have -- how many
7 times did they ask for a fully executed contract to
8 be -- for you to get a fully executed contract? Do
9 you recall?

10 **A Do not.**

11 Q Was it more than once?

12 **A I do not recall.**

13 Q Were you their primary contact for
14 getting the contract signed?

15 MR. ROCHE: Objection. Vague. If you
16 know.

17 THE WITNESS: I don't know.

18 BY MR. DAVIS:

19 Q Did you ever have any discussions with
20 them about why they were asking you to get a fully
21 executed contract?

22 **A I told them at the Suture Lab that that**
23 **was not my responsibility. That was not my job.**

24 Q Let's look at Exhibit U. So this is an

1 email from Karen Solt dated September 8th. Copied
2 to you. In the fourth paragraph, "Our decision is
3 to decline to partner with ACE Surgical Assisting
4 for this program", correct?

5 **A Yes.**

6 Q In Paragraph 2, it indicates that "during
7 the call". Do you recall the call that was made
8 between ACE and the parties on this email?

9 **A Yes.**

10 Q So, in the third line of the second
11 paragraph, it says, "It would take at the very a
12 full semester for Dan or anyone new to online
13 teaching to have sufficient preparation for this
14 delivery mode". Who was it that made that
15 assessment?

16 **A Brett Coup probably in conjunction with**
17 **Karen and Tom. I don't know. I didn't write the**
18 **email.**

19 Q But you were at the meeting, correct?

20 **A Correct. I didn't --**

21 Q At the meeting was the amount of time it
22 would take for Dan to learn how to prepare for
23 online teaching -- was that discussed at the
24 meeting?

1 **A Yes.**

2 **Q Let's look at Exhibit V.**

3 Just for the record Exhibit U is dated
4 September 8, 2014, correct?

5 **A Yes.**

6 **(Deposition Exhibit V was identified.)**

7 **Q And Exhibit V is dated October 1, 2014.**
8 It is signed by you at the bottom. So why don't
9 you just review that for a second.

10 **A Okay.**

11 **Q Could you tell me what this is?**

12 **A This is a justification letter that was**
13 **written letting people know that we were going to**
14 **rewrite the curriculum. Because we wanted to**
15 **become CAAHEP approved and we were not going to go**
16 **in conjunction with ACE Surgical Assisting because**
17 **they did not want to become CAAHEP approved. We**
18 **were going to keep it in alignment with the rest of**
19 **all of the other programs.**

20 **Q Where does it say that the curriculum is**
21 going to be rewritten in this?

22 **A Justification for revision of Surgical**
23 **Assisting courses. That we were going to follow**
24 **the CAAHEP standard guidelines and core curriculum**

1 **upon receiving initial accreditation from CAAHEP.**

2 Q Did CAAHEP have a core curriculum for
3 Surgical Assisting?

4 **A Yes, they do.**

5 Q Who was this announcement made to?

6 **A Advisory Committee people and I am not**
7 **sure who else it went out to.**

8 Q You wrote it, correct?

9 **A Yes.**

10 Q And then if you look at Exhibit W. So
11 this is the request for accreditation dated October
12 2, 2014 from CAAHEP, correct?

13 (Deposition Exhibit W was identified.)

14 **A Mmm-hmm.**

15 Q This is the initial accreditation request
16 for the Surgical Assisting Program, correct?

17 **A Correct.**

18 Q And let's look at Exhibit Y. So if you
19 look at the page after the initial page, second
20 page I guess.

21 (Deposition Exhibit Y was identified.)

22 **A Correct.**

23 Q It indicates that this was a certificate
24 that you received from the 6 Day Surgical Skill Lab

1 that you took in 2014, correct?

2 **A Correct.**

3 Q And you used that as proof of your
4 professional development, correct, in Surgical
5 Assisting?

6 **A No.**

7 Q Why did you attach it to this? This is
8 from the CAAHEP -- this is from the accreditation
9 Tab 24 Proof of Professional Development. So you
10 didn't intend to put it on there?

11 **A No, you are correct. I guess it is Proof**
12 **of Professional Development, but I misunderstood**
13 **the question.**

14 MR. DAVIS: No further questions.

15 MR. ROCHE: What was the question, if you
16 don't mind reading it back?

17 (Read back as requested.)

18 MR. ROCHE: If I could have a few minutes
19 to go through my notes.

20 (Whereupon, there was a short
21 recess in the deposition.)

22 EXAMINATION

23 BY MR. ROCHE:

24 Q Ms. Cabai, in 2013 and 2014, what were

1 the required credentials to teach a CAAHEP approved
2 program?

3 **A You needed to be a Certified Surgical**
4 **First Assistant.**

5 Q During this time period, how did one
6 become a Certified Surgical First Assistant?

7 **A You had to either be a graduate of a**
8 **CAAHEP program and then sit for the NBSCSA**
9 **certification exam and successfully pass it. Or**
10 **you could actually go out and do 200 cases in the**
11 **field with specific requirements of General Surgery**
12 **and two other specialties and then successfully**
13 **sit for the national certification exam.**

14 Q Just so I recall correctly, did you just
15 testify that one of the criteria was to graduate
16 from a CAAHEP approved Surgical Assistant Program?

17 **A Correct.**

18 Q In 2013 and 2014, do you know if ACE was
19 a CAAHEP approved program?

20 **A No, they were not.**

21 Q Could you become a certified -- is it
22 Certified Surgical First --

23 **A Yes.**

24 Q CFSA?

1 **A Yes.**

2 Q In 2013 and 2014, could you become a
3 Certified Surgical First Assistant by completing
4 the ACE program?

5 **A No.**

6 Q Ms. Cabai, how did you write the COD
7 Curriculum for the CAAHEP approval process?

8 **A I purchased the CAAHEP Core Curriculum**
9 **actually through Amazon and took the modules that**
10 **were listed in that manual spiral bound book and**
11 **created -- actually copied the objectives out of**
12 **there and their course content to setup the modules**
13 **for the current CAAHEP accredited program.**

14 Q Did you use any of the material in the
15 ACE Curriculum that was provided to COD in
16 connection with preparing the curriculum for
17 CAAHEP?

18 **A No.**

19 Q Why not?

20 **A Because it wasn't written according to**
21 **the CAAHEP Core Curriculum standards.**

22 Q Were you a Surgical Assistant Certified,
23 SAC, prior to 2013?

24 **A Yes.**

1 Q What type of training did you have to
2 complete to become a SAC before 2013, if you
3 recall?

4 A I went through the American Board of
5 Surgical Assisting Training. I was employed with a
6 company out of Central DuPage Hospital at the time
7 that brought the ABSA faculty to West Chicago. And
8 they spent a weekend with us and did a suture lab
9 and the necessary components so that we could sit
10 for the ABSA exam. They checked us off on the
11 skill component of that testing process.

12 Q You ultimately took the test; is that
13 correct?

14 A Yes.

15 Q And did you pass?

16 A Yes.

17 Q And that's how you obtained your
18 certificate from the ABSA; is that correct?

19 A Correct.

20 Q And thereby became an SAC?

21 A Yes.

22 Q Do you recall a series of questions by
23 Mr. Davis about self-study that was scanned to you
24 or at least the email -- let's go to the exhibit

1 just for a point of reference. I believe it is
2 Exhibit M. Yes, it is. Do you see that exhibit,
3 Exhibit M?

4 **A Yes.**

5 Q It references a discussion about the
6 self-study being scanned. Do you recall being
7 asked a question by opposing counsel as to whether
8 you thought receiving the self-study from ACE would
9 make your life easier and do you recall your answer
10 being quote "I thought it would"?

11 **A Yep.**

12 Q Was the self-study --

13 MR. DAVIS: Just to correct, I was
14 quoting the email which said it would make her life
15 easier.

16 BY MR. ROCHE:

17 Q Yes. My question is simply did it make
18 your life easier, Ms. Cabai?

19 MR. DAVIS: Asked and answered.

20 BY MR. ROCHE:

21 Q You can answer.

22 **A No.**

23 Q Actually, the answer I believe was "I
24 thought it would".

1 **A I thought it would.**

2 Q Let me ask you this question. Did it
3 make your life easier?

4 **A No. Because I realized after attending**
5 **the suture lab in-person that the instruction that**
6 **was taking place in Colorado was not up to CAAHEP**
7 **standards and that Dan really was not an educator.**
8 **That the program was being run as an independent**
9 **study and the quality of material that I put out at**
10 **College of DuPage is far superior to what I**
11 **witnessed.**

12 Q Do you recall when you received the ACE
13 self-study?

14 **A After the suture lab.**

15 Q Do you know if Dan Bump was a Certified
16 Surgical First Assistant in 2013 and 2014?

17 **A The credentials that I have seen on him,**
18 **no, he was not.**

19 MR. ROCHE: No further questions.

20 EXAMINATION

21 BY MR. DAVIS:

22 Q A couple of follow-up questions. So the
23 CAAHEP sphere in regard to Surgical Assistants is
24 not uniform across the country, is it?

1 **A No.**

2 Q So there are certain states where you can
3 be a Surgical Assistant without going to a CAAHEP
4 certified school, correct?

5 **A Correct.**

6 Q And you knew that ACE was not a CAAHEP
7 certified school when you began talking to them,
8 correct?

9 **A Actually, I was told that they had been**
10 **going through CAAHEP and that they had been CAAHEP**
11 **approved.**

12 Q But were they approved at the time you
13 began talking to them?

14 **A That I don't recall.**

15 Q When did you find out that they weren't
16 CAAHEP approved?

17 **A After doing further investigation.**

18 Q When was that? When did the further
19 investigation take place?

20 **A After the negotiations kind of took place**
21 **because we had discussed about being CAAHEP**
22 **approved versus ABSA and I was meeting resistance**
23 **by Dan Bump.**

24 Q Do you recall conversations with Dan Bump

1 that they couldn't get CAAHEP approval because they
2 weren't a school or a community college?

3 **A No.**

4 MR. DAVIS: No further questions.

5 EXAMINATION

6 BY MR. ROCHE:

7 Q Ms. Cabai, you just testified that you
8 recall getting resistance by Dan Bump about
9 becoming CAAHEP approved. What do you mean by
10 resistance?

11 **A Dan Bump did not feel that we needed to**
12 **go through CAAHEP accreditation. That going**
13 **through ABSA was sufficient. And we tried to**
14 **explain to him that in the Chicagoland area our**
15 **immediate employers and people that would be hiring**
16 **these folks and allowing students to do their**
17 **surgical cases there mandated people become CAAHEP**
18 **approved.**

19 MR. ROCHE: No further questions.

20 Reserved.

21 THE REPORTER: Are you ordering any of
22 the transcripts?

23 MR. DAVIS: I will order her.

24

1 THE REPORTER: What format?

2 MR. DAVIS: Word.

3 THE REPORTER: A PDF?

4 MR. DAVIS: Yes.

5 THE REPORTER: Mr. Roche, are you taking
6 a copy?

7 MR. ROCHE: Can I let you know by the end
8 of the week?

9 THE REPORTER: Yes.

10

11

12 (FURTHER DEPONENT SAITH NOT.)

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1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF ILLINOIS
4 EASTERN DIVISION

4 AMERICAN CENTER FOR)
5 EXCELLENCE IN SURGICAL)
6 ASSISTING, INC.,)
7 Plaintiff,)
8 -vs-) No.
9) 1:15-cv-07290
10)
11 COMMUNITY COLLEGE DISTRICT)
12 502, et al.,)
13 Defendants.)
14)
15)
16)
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18)
19)
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10 This is to certify that I have read the
11 transcript of my deposition taken in the
12 above-entitled cause, consisting of Pages 1 through
13 63, inclusive, and that the foregoing transcript
14 accurately states the questions asked and the
15 answers given by me as they now appear.

16 Please check one:

17 I have submitted errata sheets

18 No corrections were noted.
19

20 KATHERINE CABAI

21 SUBSCRIBED AND SWORN TO
22 before me this day
23 of , 20 .
24

NOTARY PUBLIC

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, DEBORAH TYRRELL, CSR, a notary public
4 within and for the County of DuPage and State of
5 Illinois, do hereby certify that KATHERINE CABAI,
6 was by me first duly sworn to testify to the truth,
7 the whole truth and nothing but the truth, and that
8 the above deposition was recorded stenographically
9 be me, in the presence of said witness, and
10 afterwards reduced to typewriting under my personal
11 direction.


12 I further certify that the said foregoing
13 transcript of the said deposition is a true,
14 correct and complete transcript of the testimony so
15 given by said witness at the time and place
16 specified as aforesaid.

17 I further certify that the signature of
18 the witness to the forgoing deposition was
19 reserved.

20 I further certify that the taking of this
21 deposition was in pursuance of notice and
22 agreement; and that there were present at the
23 taking of this deposition the appearances as
24 heretofore noted.

1 I further certify that I am not a
2 relative or employee or attorney or counsel of any
3 of the parties hereto, nor a relative or employee
4 of such attorney or counsel; nor do I have any
5 interest directly or indirectly in the outcome or
6 events of this action.

7 In witness whereof, I have hereunto set
8 my hand and affixed my notarial seal this 17th day
9 of March, 2017.

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DEBBIE TYRRELL
16 CERTIFIED SHORTHAND REPORTER
17 LICENSE NO. 084-001078
18 NOTARY PUBLIC
19 DU PAGE COUNTY, ILLINOIS
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